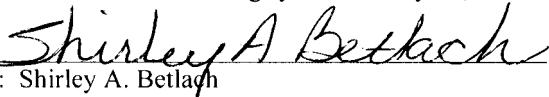


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenneth T. Heruth and Keith A. Miesel	Confirmation No.	8232
Serial No.:	10/825,964	Filed:	April 15, 2004
Examiner:	Fangemonique A. Smith	Group Art Unit:	3736
Docket No.:	1023-360US01	Customer No.:	28863
Title:	DETECTING SLEEP		

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via the United States Patent and Trademark Office electronic filing system on July 30, 2009.

By:   
Name: Shirley A. Betlach

**NOTICE OF APPEAL**

MAIL STOP AF  
Assistant Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

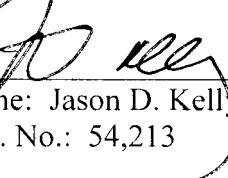
In accordance with 37 C.F.R. § 41.31, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 20-23, 26-33, 35-38, 40, 43-45, 53, 55, 57-62, 72 and 73 of the above-identified application, as set forth in the Office Action mailed March 23, 2009.

Please charge Deposit Account No. 50-1778 in the amount of \$540.00 to cover the required fee for filing this Notice of Appeal as set forth under 37 C.F.R. § 41.20(b)(1).

Also enclosed is a Petition for one-month extension of time to respond to the final rejection, thereby extending said period of response from July 9, 2009 to August 9, 2009.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-1778.

Date: 7-30-09

By:   
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Reg. No.: 54,213

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